

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE

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May 11, 2004

IN RE:

Petition for Expedited Review of Growth  
Code Denial by the Number Pooling  
Administrator Relating to the Nashville Rate  
Center

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) Docket No. 04-00137  
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**PETITION OF AT&T OF THE SOUTH CENTRAL STATES, LLC FOR  
EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL**

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AT&T of the South Central States, LLC ("AT&T"), pursuant to rules adopted by the Federal Communications Commission ("FCC") for challenging determinations of the Number Pooling Administrator ("NeuStar"), hereby petitions the Tennessee Regulatory Authority ("TRA") for an expedited review of NeuStar's denial of AT&T's application for four blocks of telephone numbers in the Nashville rate center in order for AT&T to serve its customer.

1. AT&T is a competitive local exchange carrier providing telecommunications services in Tennessee under the jurisdiction of the TRA.

2. NeuStar is an independent, non-governmental entity that is responsible for administering and managing numbering resources in pooling areas. See C.F.R. Section 52.13(a) and (b).

3. This Petition is based on the Federal Communications Commission ("FCC") Rules found at 47 C.F.R. § 52.15(g)(4) and pursuant to the Thousands-Block Number

(NXX-X) Pooling Administration Guidelines ("TBPA") and the Central Office Code (NXX) Assignment Guidelines published by the Industry Numbering Committee ("INC"). In addition, on March 31, 2000, the FCC issued a Report and Order and Further Notice of Proposed Rule Making related to numbering resource optimization ("FCC 00-104" or the "March Order"). On December 29, 2000, the FCC issued its Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200 ("FCC 00-249" or the "December Order"). These FCC Orders addressed issues and strategies relating to the efficient use of numbering resources

4. In FCC 00-104 and FCC 00-429, the FCC announced rules and sought comments in an effort to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of existing telephone numbers and to slow further exhaustion of existing numbers under the North American Numbering Plan

5. Among other things FCC 00-104 adopted a revised standard for assessing a carrier's need for numbering resources by requiring carriers to report rate center based utilization data to NeuStar. The FCC further required that to qualify for access to new numbering resources, applicants must establish that existing inventory within the applicant's rate center will be exhausted within six months of the application.

6. In addition to the months-to-exhaust ("MTE") requirement described above, the FCC's rules also require carriers to meet a rate center utilization threshold of 70 percent (as of July 1, 2003) to receive additional numbering resources in a given rate center. FCC 00-249 at Paragraph 22; FCC 01-362 Paragraphs 50-52. The utilization

threshold increases by five percent per year until it reaches a maximum of 75 percent. Based on the FCC's orders, carriers must meet both the six-month MTE requirement and the utilization threshold on a rate center basis to obtain additional number resources. *Id.* at Paragraph 29

7 AT&T filed a safety valve request on behalf of its customer, Deloitte, on or around April 8, 2004. This request, approved expeditiously by the TRA, is independent of the following request for additional numbering resources. This customer has now requested 4,000 numbers for the customer's place of business in the Nashville rate center. A copy of the letter outlining the request is attached as Exhibit A. AT&T has developed a communications plan that the customer will implement so that all of the 4,000 numbers will be assigned within 180 days of the numbers being made available to the customer. The numbers would be used as early as they are available.

8. The Nashville rate center of the 615 Area Code was converted to Number Pooling on March 14, 2002 as authorized by the FCC. Consequently, normal numbering resource acquisition by a Number Pooling carrier, such as AT&T, is gained through an interface with NeuStar<sup>1</sup>.

9. On May 6, 2004, AT&T submitted a "Thousand Block Application Form Part 1A", and a "Months to Exhaust and Utilization Certification Worksheet – TN Level" to NeuStar for four thousands-blocks of a specific nature (block ranges containing numbers 615-NXX-2000 through 5999) in the Nashville rate center to satisfy the customer request. A copy of this application is attached as Exhibit B.

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<sup>1</sup> The federal rules in 47 C F R 52.15 generalize responsibilities of NANPA and the Pooling Administrator under the heading "Central office code administration"

10. Later that day, AT&T received, via Pooling Administration System, an error message indicating the request would not process through the system without a state waiver. NeuStar applies the FCC rules and order and INC Guidelines. As set forth in Paragraphs 5 and 6, these rules and guidelines require that a block holder requesting growth resources demonstrate that existing resources within the rate center will both exhaust within 6.0 months, and meet the 70% utilization level. The error message indicated that the utilization level was not met.

11. Although AT&T has an adequate supply of telephone numbers to satisfy incremental requests for numbers without receiving new blocks of numbers, AT&T's existing telephone resources cannot satisfy this customer's specific need. AT&T holds no NXXs with a satisfactory block that it can assign to the customer.

12. As a result of the denial of AT&T's request for additional numbering resources, AT&T is unable to provide the telecommunications services requested by its customer in Tennessee.

13. In setting its policy for the assignment of telephone numbers, the FCC designated NANPA and NeuStar, as the Pooling Administrator, to handle numbering resource administration.<sup>2</sup> If a numbering resource administrator withholds numbering resources from a carrier, the FCC has specifically authorized state commissions to overturn those decisions for reasonable cause. That authority is specifically set out in the relevant FCC Rule, 47 C.F.R. §52.15(g)(4), which states:

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<sup>2</sup> 47 C.F.R. § 52.15(a) states "Central Office Code Administration shall be performed by the NANPA, or another entity or entities, as designated by the Commission." 47 C.F.R. § 52.20(d) states "The Pooling Administrator shall be a non-governmental entity that is impartial and not aligned with any particular telecommunications industry segment, and shall comply with the same neutrality requirements that the NANPA is subject to under this part."

The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource application requirements established in this part. The NANPA shall not issue numbering resources to a carrier without an Operating Company Number (OCN). The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. **The state commission may affirm, or may overturn, the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has complied with the reporting and numbering resource application requirements herein. The state commission also may overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies.**

(emphasis added) The FCC also clarified in the FCC 00-249 Order that carriers may now appeal to states using a "safety valve" mechanism (paragraphs 57-66). The FCC contemplated the need for, and gave structure to states to respond when denials failed to consider a "specific customer request"

We also agree with WinStar that a carrier should be able to get additional numbering resources when there is a verifiable need due to the carrier's inability to satisfy a specific customer request. We therefore clarify that states may also grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. Carriers may demonstrate such a need by providing the state with documentation of the customer request and current proof of utilization in the rate center.

*Id.*

14 An essential aspect of the "safety valve" provision is the accelerated response that is provided for in the FCC's order: States should act upon such a request in most instances in 10 business days, as noted by the FCC.

Finally, we recognize that in many instances, the failure to address a request for additional numbering resources can impair a carrier's ability to stay in or expand business. We therefore direct states to act on carrier requests for a safety valve as expeditiously as possible. Although we do not establish a specific time limit for states to act on these requests, we believe that, in most instances, 10 business days from receipt of a request that the state determines to be sufficiently detailed and complete will be sufficient time to review and act upon safety valve requests. If a state does not reach a decision on a safety valve request within a reasonable timeframe, carriers may submit such requests to the Commission for resolution. In addition, carriers may appeal to the Commission safety valve decisions made by states, and we delegate authority to the Common Carrier Bureau to review such petitions as expeditiously as possible.

*Id.* at Paragraph 66. Such treatment is warranted in this case, where the customer desires to have its application in place by August 31, 2003. See Exhibit A.

15. AT&T seeks the Authority's review of NeuStar's decision to withhold numbering resources from it on the grounds that it: (1) violates the orders and rules of the FCC which grant carriers access to numbering resources to meet specific customer demands upon a sufficient showing of need and (2) interferes with AT&T's ability to serve its customers in Tennessee. As the FCC has stated, "Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 00-429 at Paragraph 61. By refusing to grant numbering resources sufficient to meet this Nashville customer's needs, the decision is preventing the customer from obtaining the service of its choice from its carrier of choice, AT&T.

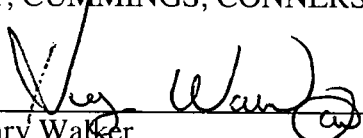
**Relief Sought**

For these reasons, AT&T respectfully requests that the Commission expeditiously review NeuStar's decision denying AT&T's request for additional numbering resources and order NeuStar to provide the requested numbers to meet the specific requirements of AT&T's Nashville customer. AT&T appreciates the TRA's timeliness on its most recent safety valve request and looks forward to permission to serve this customer with the additional numbers it now requires.

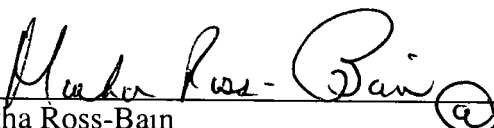
Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: \_\_\_\_\_

  
Henry Walker  
414 Union Street, Suite 1600  
P O. Box 198062  
Nashville, Tennessee 37219  
(615) 252-2363

\_\_\_\_\_  
Martha Ross-Bain

  
AT&T Communications of the South, LLC  
1200 Peachtree St., NE, Suite 8062  
Atlanta, Georgia 30309  
404-810-6713

# Deloitte.



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Date: May 5, 2004

To: David Elkins

Deloitte Services LP  
4022 Selis Drive  
Hermitage, TN, 37076  
US

Tel: 615-882-7076  
Fax: 615-750-7076  
www.deloitte.com

David,

I am requesting you to reserve for my Hermitage PBX a new DID range including 4 thousand numbers beginning with 615-xxx-2xxx through 615-xxx-5xxx.

It is possible that we will be adding up to 4000 new users to my PBX/Voice Mail System here in Hermitage. I currently do not have the DID's to accommodate the request. Can you please begin the process of reserving these today? I could be asked any day to begin adding these new users to my PBX.

Thank you for your help.

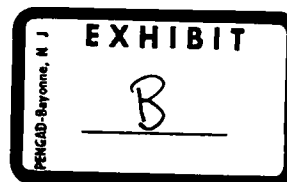
Paul Sizemore  
Deloitte  
615-882-7076

**NASHVILLE, TN**

- **SWITCH CLLI CODE: NSVLTN48D50**
- **No Q or 9 BLOCK.**
- **MUST BE CONSECUTIVE.**
- **NO 8000, 9000, or 0000 BLOCKS**



## Pooling Administration System

[mmmanochio@att.com \(SP\)](#)[Sign Out](#)

### Request Resources


State	TENNESSEE	
NPA	615	
Rate Center	NASHVILLE	
OCN	7658-TCG AMERICA - TN	
Type of Application	Application for Individual Blocks	
Quantity of Blocks Requested	4	

<a href="#">Continue</a>	<a href="#">Cancel</a>
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**NOTE:**

If you are selecting a Rate Center that is moving to a new NPA due to a split, PAS will automatically migrate the request to the new NPA once the mandatory dialing date occurs

## Pooling Administration System

 mmanochio@att.com (SP)

Sign Out

### Part 1A

**Type of Application :** New

#### 1.1 Contact Information :

*Note: If any of the contact info is incorrect, edit your user profile***Block Applicant :**

Company Name **TCG AMERICA, INC - TN**  
Headquarters Address **900 ROUTE 202/206 NORTH**  
City **BEDMINSTER**  
State **NJ**  
Zip **07921**

Contact Name **Ms MICHELLE C MANOCHIO**  
Contact Address **900 ROUTE 202/206 NORTH**  
City **BEDMINSTER**  
Zip **07921**

State **NJ**Telephone **(908) 234-5707**Fax **(908) 234-8044**E-mail **mmanochio@att.com****Pooling Administrator :**

Contact Name **Ms Dora Wirth**  
Contact Address **1800 Sutter St. Ste. 780**  
City **Concord**  
Zip **94520**  
Telephone **9253638706**  
E-mail **dora.wirth@neustar.com**

State **CA**Fax **9253637684**

#### 1.2 General Information

LRN Needed **No**NPA **615**LATA \* **470**OCN **7658-TCG AMERICA - TN**Parent Company OCN \* **7125**Number of Thousands-Blocks Requested **4**Switch Identification (Switching Identity/POI) \* **NSVLTN48DS0**City or Wire Center Name **NSVLTN48**Rate Center **NASHVILLE**





Rate Center Sub Zone

#### 1.3 Dates

Requested Block Effective Date 6 Jun 2004

#### 1.4 Type of Service Provider Requesting the Thousands-Block

b) Primary type of service Blocks to be used for \* **Wireline**


<p>c) Thousands-Block(s) (NPA-NXX-X) assignment preference Click here to see the available blocks in the pool.</p>			<p>615-613-2 615-613-3 615-613-4 615-613-5</p> <p>Delete</p>
<p>d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any</p>			<p>Delete</p>

### 1.5 Type of Request

Disconnect block **N/A**

I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Pooling Administration Guidelines INC 99-0127-023

## Pooling Administration System

 mmanochio@att.com (SP)

Sign Out

### Months to Exhaust and Utilization Certification Worksheet - TN Level

Date Thursday, May 6, 2004

OCN 7658

Company Name TCG AMERICA, INC. - TN

Rate Center NASHVILLE

List all Codes NPA(s)-NXXs and Blocks NPA(s)-  
NXX-X(s)

615-514-0,2,3,4,5,6,9, 615-750-0,1,6,7,8,9, 615-986-0,1,2,3,4,5,6,7,9

Name of Block Applicant Ms MICHELLE C MANOCHIO

Title SUPERVISOR

Telephone Number (908) 234-5707

Fax Number (908) 234-8044

E-Mail mmanochio@att.com

A Available Numbers \* 7607

B Assigned Numbers \* 12912

C Total Numbering Resources \* 23000

D Quantity of numbers activated in the past 90  
days and excluded from the Utilization calculation 0

List excluded Code(s) or Block(s)

E Growth History - Previous 6 months<sup>2</sup> \*

Month 1	0	Month 2	0
Month 3	14680	Month 4	160
Month 5	0	Month 6	342

= Forecast - Next 12 months<sup>3</sup> \*

Month 1	4000	Month 2	0
Month 3	0	Month 4	0
Month 5	0	Month 6	0
Month 7	0	Month 8	0
Month 9	0	Month 10	0
Month 11	0	Month 12	0

⊗ Average Monthly Forecast (Sum of months # 1-6 (Part F above ) divided by 6)

÷ Months to Exhaust <sup>4</sup> (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Explanation

CUSTOMER LOOKING FOR SPECIFIC BLOCKS IN THE 2-5 RANGE


- 1 A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.
- 2 Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month
- 3 Forecast of TNs needed in each following month, starting with the most recent month as Month #1.
- 4 To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g)(3)(iii)).
- 5 Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52 15 (g) (3)(iii))

Show Calculations

Continue

Cancel

## Pooling Administration System

 [mmanocho@att.com](#) (SP)

[Sign Out](#)

### Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

Your utilization calculates to **56.139 percent**, while your State requires a utilization of **70.000 percent**

#### Select One Option and Submit

- ☐ Return to the Months To Exhaust Form
- ☐ Discard all the information provided for the request and start with a fresh Part 1A
- ☒ State Waiver Option

**Submit**

**Cancel**

# GROWTH CODE REQUEST FORM

Form Sent To: Code Administrators  
Number Administration Contact: Deb Newman

Customer Name: Deloitte

Requested Switch : NSVL TN48DSO

Phone Number: 303-749-6216

LNS Order #: 34661  
Requestor Name: David Elkins  
Requestor #615-377-5229:

For a Growth Code - utilization of existing NXXs must be at 70%

State	NPA	NXX	LA TA	Rate Center	# of TNs Needed	Requested eff date	Requestor Comments
TN	615	986	470	NASHVILLE	4000	3-9-04	Customer is looking for blocks 2 - 5 if possible No 0, 8 or 9's
	615	514					
	615	750					

☒

DENIED

UTILIZATION IS AT 54%

☐

APPROVED tentative eff date

Denied Reason

\*\*\*Responses should be sent via email to NA team mailbox.

Fill out each section with valid information The request will not be processed without all fields being populated.